

REMARKS

Claims 1, 5-14, 16-20, 24, 26-28, 30 and 32-34 are pending in the application.

Claims 1, 5-13, 19, 20, 24, 27, and 28 are rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Jie et al. (Am J Clin Nutr 2000, 72:1503-9) ("Jie"). Claims 1, 5-14, 16-19, 27, 28, 30, and 32-34 are rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Takemori et al. (US 5,711,982, January 27, 1998) ("Takemori"). Claims 1, 5-14, 16, 17, 19, 24, 26-28, 30, and 32-34 are rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Shaw Craig et al. (US 2003/0008843, January 9, 2003). Claims 1, 5-13, 19, 27, and 28 are rejected under 35 U.S.C. 102(b) as allegedly anticipated by Solomons et al. (J. Lab. Clin. Med, May 1985, pages 585-592) ("Solomons").

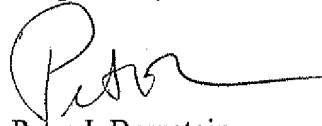
Independent claim 1 is amended as indicated in the foregoing amendment. Support for the amendment can be identified throughout the specification, e.g., paragraphs [0019] and [0045] of the specification. Accordingly, no new matter is introduced in the amended claims.

Amended claim 1 is directed to a method of treating a subject suffering from imbalanced colon fermentation. Applicants respectfully submit that none of the cited references teach or suggest a method of treating a subject suffering from imbalanced colon fermentation. Accordingly, it is respectfully suggested that all of the prior art rejections are overcome.

Specifically, the studies by Jie are directed to determining the safety of polydextrose as a bulking agent (Jie, page 1503, col. 2). Takemori focuses on preparing sugar-free foodstuffs, wherein the disclosure of polydextrose as an additive is merely as one of several soluble fiber sources (Takemori, Examples 4-5; claim 9). Shaw Craig is generally directed to appetite suppressants that draw upon the bulking properties of polydextrose as a satiety agent

(Shaw Craig, paragraph [0041]. Solomons describes the kinetics of polyglucose fermentation observed with a new non-radioactive method, i.e., measuring the hydrogen content in the breath of subjects to whom polyglucose was administered. In conclusion, none of the cited references are believed to teach or suggest a method of treating a subject suffering from imbalanced colon fermentation as claimed. Accordingly, it is respectfully submitted that the amended claims are in condition for allowance, and such action is earnestly requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter I. Bernstein", with a long horizontal flourish extending to the right.

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